

SEP 30 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

REYNALDO LOPEZ-RODRIGUEZ;
SARA LOPEZ-JUAREZ; MARIANITA
JUAREZ DE LOPEZ; BLANCA
AZUCENA LOPEZ-JUAREZ,

Petitioners,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-71501

INS Nos. A75-246-974
A75-246-979
A75-246-980
A75-246-981

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 16, 2003**
San Francisco, California

BEFORE: HUG, GIBSON*** and FISHER, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

**This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

***The Honorable John R. Gibson, Senior Circuit Judge, United States Court of Appeals for the Eighth Circuit, sitting by designation.

In their petition for review, the Lopez-Rodriguez family argued that they had settled expectations of their placement in deportation proceedings rather than removal proceedings if their asylum applications, which were filed before IIRIRA's effective date of April 1, 1997, were denied. Accordingly, they claimed that the application of IIRIRA's removal provisions to them was impermissibly retroactive. They also argued that because the denial of an asylum application *necessarily* results in an INS proceeding, their case is distinguishable from *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594 (9th Cir. 2002), and that their placement in removal proceedings violated their due process rights. As the Lopezes concede, however, their arguments are now foreclosed by *Vasquez-Zavala v. INS*, No. 01-70973, 2003 WL 1792909 (9th Cir. Apr. 7, 2003). Accordingly, the Lopezes' petition for review is DENIED.